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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,293

07/07/2006

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SCH-16682

5013

40854 7590 01/05/2010

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EXAMINER

ROBITAILLE, JOHN P

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

01/05/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



This action is a response to the mailing received 18 September 2009. Claims 1, 5-6, and 12 are pending.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 5, 6, & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,534,422 (Carpenter et al.) in view of U.S. Patent 6,523,251 (Meisser et al.) in view of U.S. Patent 2,202,580 (Louis F. Hahn, '580 hereafter) in view of United Kingdom Patent GB 1 546 159 to Gregory et al. (already of record).

3. Regarding claim 1, '422 teaches a method for manufacturing adjustment shafts comprising a metallic shaft and a noise-abating, non-metallic external cladding situated between cladding-free shaft ends, where, starting with a metallic shaft strand continuously fitted with said external cladding, said cladding is removed in the zone of the axially continuous shaft ends by at least one radially approachable brush (C1L25-C1L30). '422 does not teach pivoting, or severing the shaft.

4. In the same field of endeavor, the production of elongate partially insulated members, '251 teaches the external cladding is removed from continuous shaft ends (C1L5-C1L12) for the benefit of removing the insulating material in a continuous process, thereby improving the economic efficiency of the process. It would have been obvious to

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a person of ordinary skill in the art at the time of invention to combine the teachings of '422 with those of '251 for the benefit of removing the insulation from the shaft in a continuous manner. The combination of '422 with '251 does not teach the subsequent severing to the shafts.

5. In the same field of endeavor, production of elongate members, '580 teaches the severing of shafts (C1L1-C1L5) for the benefit of preparing shafts of a desired length. It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of the previous art combination with those of '580 for the benefit of preparing insulated shafts of a desired length.

6. In the same field of endeavor, shaft debrading, GB'159 teaches teaches the method wherein at least one externally and preferably radially approachable brush is pivoted tangentially about the metallic shaft strand in the sense of a progressive peripheral removal of external cladding from said strand (L85) for the benefit debrading the entire circumference of the member. It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of the previous art combination with GB'159 for the benefit of removing the insulation from the entire circumference of the member.

7. Regarding claim 5, '422 teaches the method wherein the brush is approached in a manner that the radial length of its bristles operationally extends maximally as far as the peripheral surface of the bared shaft ends (C2L60-C2L65).

8. Regarding claim 6, the combination of '422 with '251 does not teach that the shaft ends are fitted with a square torque transmitting connector.

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9. In the same field of endeavor, production of elongate members, '580 teaches the method wherein the shaft strand is fitted in the region of the bared shaft ends with a geometrically interlocking torque transmitting connector of which an outer contour deviates from the circular form and is in particular square (Pg 3 Ls 1-5) for the benefit of imparting torque to the shafts. It would have been obvious to a person of ordinary skill in the art at the time of invention to combine the teachings of the previous art combination and '580 for the benefit of imparting torque to the finished partially insulated shafts.

10. Regarding claim 12, '422 teaches the method wherein at least one brush is approached radially (FIG 1 – item C).

### ***Response to Arguments***

11. Applicant has advanced two arguments in support of the patentability of the instant application. They are:

- a. '422 does not teach a circumferentially pivoting a brush about the member.
- b. '251 teaches away from the combination.

12. The first argument, has been fully considered and is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of GB 1 546 159 to Gregory et al.

13. Regarding the second argument, the examiner is not persuaded that '251 teaches away from the claimed invention. '251 teaches insulation removal prior to continuity testing and the instant invention removes insulation prior to the severing of the shafts. Since the claimed invention requires severing subsequent to insulation

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removal, '251's solution would commend itself to the ordinary artisan since the step of continuity testing would ensure that the shaft is not damaged in the insulation removal step.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Robitaille whose telephone number is (571) 270-7006. The examiner can normally be reached on Monday to Thursday from 8:00 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Del Sole can be reached on (571) 272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JPR

/Joseph S. Del Sole/  
Supervisory Patent Examiner, Art Unit 1791